

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

IN THE MATTER OF

Perfection Manufacturing Company
5411 Bulwer Avenue
St. Louis, Missouri 63147

EPA I.D. No. MOD041885856

Resource Conservation and
Recovery Act proceedings
42 U.S.C. §6928(a)(1), §3008
(a)(1).

Docket No. 81-H-021

COMPLAINT AND COMPLIANCE ORDER

This Complaint is filed pursuant to §3008(a)(1) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 (as amended) and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. The Complainant is the United States Environmental Protection Agency (EPA). The Respondent is Perfection Manufacturing Company. Complainant has found Respondent to be in violation of RCRA §§3002, 3004, and 3005, 42 U.S.C. §§6922, 6924, and 6925 and the following regulations: 40 C.F.R. §§262.34(a)(3), 265.174, 265.176 as a result of an inspection by the Complainant on August 13, 1981, as a result of the notification of hazardous waste activity filed with the EPA by Respondent on August 4, 1980, and as a result of written correspondence between Complainant and Respondent.

DETERMINATION OF VIOLATION

1. The Perfection Manufacturing Company operates a facility (Facility) located at 5411 Bulwer Avenue, St. Louis, Missouri.
2. The Respondent notified EPA, pursuant to §3010 of RCRA, 42 U.S.C. §6930, of its activities as a generator, transporter, and treatment, storage or disposal facility of hazardous waste. Respondent was issued EPA I.D. No. MOD041885856. The Respondent generated, transported, and treated, stored or disposed of hazardous waste numbered F017 and U239 as defined at 40 C.F.R. §261.31 and §261.33, respectively.



R00406786
RCRA RECORDS CENTER

3. Section 3005(a) of Subtitle C of RCRA provides, in part, that:

"the Administrator of the EPA shall promulgate regulations requiring each person owning or operating a facility for the treatment, storage or disposal of hazardous waste identified or listed under this Subtitle to have a permit issued pursuant to this section. After November 19, 1980, the treatment, storage, or disposal of any hazardous waste is prohibited except in accordance with such a permit".

4. Regulations requiring each person owning or operating a facility for the treatment, storage or disposal of hazardous waste to have a permit issued pursuant to §3005 were promulgated by the Administrator on May 19, 1980, and are codified at 40 C.F.R. Parts 122 and 124. The effective date of these regulations is November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition of his/her permit application provided that:

(1) The facility was in existence on November 19, 1980;

(2) Requirements of §3010(a) of RCRA concerning notification of hazardous waste activities have been complied with; and

(3) The application for a permit has been made.

This statutory authority to operate is known as Interim Status. EPA regulations implementing these provisions are found at 40 C.F.R. Part 122.

6. From November 19, 1980, to August 13, 1981, Respondent operated the facility in St. Louis, Missouri, for the storage of hazardous waste.

7. From November 19, 1980, to August 13, 1981, Respondent has stored substances which have been identified or listed as hazardous waste under §3001 of RCRA without a permit and without having achieved interim status, in violation of §3005(a) of RCRA. Interim status was not achieved because Respondent failed to submit the Part A permit application by November 19, 1980, as required by 40 C.F.R. 123.23(a).

8. Pursuant to 40 C.F.R. §262.34(a)(3), the date upon which accumulation of hazardous waste begins is to be clearly marked and visible for inspection on each container. On August 13, 1981, Respondent was in violation of this requirement in that barrels of waste paint sludge and waste xylene were not labeled with the date of accumulation. These barrels had been stored for more than 90 days and had been accumulating since before April 23, 1981. Immediately previous to that date, a Perfection representative stated to EPA that all hazardous waste had been removed from the site.

9. Pursuant to 40 C.F.R. §265.174, an owner or operator must inspect areas where the containers of hazardous waste are stored at least weekly, looking for leaks and deterioration caused by corrosion or other factors. On August 13, 1981, Respondent was in violation of this requirement in that corrosion was observed on the barrels and records indicated that weekly inspections had not taken place.

10. Pursuant to 40 C.F.R. §265.176, containers holding ignitable or reactive wastes must be located at least 15 meters (50 feet) from the facility's property line. On August 13, 1981, Respondent was in violation of this requirement in that barrels of waste xylene were being stored next to the fence which was located on the property line.

ASSESSMENT OF PENALTY

In view of the above violations and pursuant to §3008(c) of RCRA, 42 U.S.C. §6928(c), the United States Environmental Protection Agency assesses a penalty of \$8,000 against Respondent, Perfection Manufacturing Company, St. Louis, Missouri. This amount has been computed in accordance with the seriousness of the violations and the efforts of the company to comply with the regulations. The penalty amounts assessed per violation are as follows:

| <u>VIOLATION</u> | <u>PENALTY</u> |
|-----------------------------|----------------|
| 42 U.S.C. §6925, RCRA §3005 | \$5,000 |
| 40 C.F.R. §262.34(a)(3) | 1,000 |
| 40 C.F.R. §265.174 | 1,500 |
| 40 C.F.R. §265.176 | <u>500</u> |
| Total Penalty | \$8,000 |

Payment may be made by check payable to the United States of America and remitted to Mr. John H. Morse, Regional Counsel, United States Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, within 30 days of receipt of this Order.

TERMS OF COMPLIANCE ORDER

It is hereby ordered that Perfection Manufacturing Company take the following corrective actions in the time periods specified:

(1) Immediately upon receipt of this Order, Perfection Manufacturing Company shall begin labeling each barrel of hazardous waste which is to be accumulated on site with the beginning date of accumulation in accordance with §262.34(a)(3).

(2) Within five (5) days of receipt of this Order, Perfection Manufacturing Company shall move all containers holding ignitable or reactive wastes at least 50 feet from the property line in accordance with §265.176.

(3) Within fifteen (15) days of receipt of this Order, Perfection Manufacturing Company shall propose and implement a weekly inspection schedule of containers of hazardous waste to look for leaks and for deterioration caused by corrosion or other factors. Perfection shall maintain a record of those inspections in accordance with §265.174.

(4) Within thirty (30) days of receipt of this Order, Perfection Manufacturing Company shall fully comply with standards for generators of hazardous waste, set forth at 40 C.F.R. Part 262.

(5) Within thirty (30) days of receipt of this Order, Perfection Manufacturing Company shall cease treating, storing, or disposing on site any hazardous waste subject to Subtitle C of RCRA.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

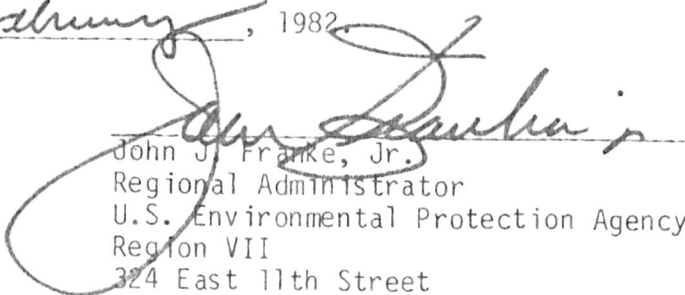
Take notice that pursuant to §3008(a) of RCRA this Order shall become final and default judgment entered under 40 C.F.R. §22.17 unless Perfection Manufacturing Company files an answer or requests in writing a public hearing no later than 30 days after this Order is served. Perfection Manufacturing Company has the right to request a hearing to contest any factual allegations set forth in the Complaint, the appropriateness of the proposed Order and penalty, or to contend that Perfection Manufacturing Company is entitled to judgment as a matter of law. A written answer to this Complaint must satisfy the requirements of 40 C.F.R. §22.15 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits as set forth in 40 C.F.R. Part 122, a copy of which is attached hereto. The answer should be filed with the Regional Hearing Clerk, United States Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. A copy of the answer and copies of any subsequent documents filed in this action should be sent to Office of Regional Counsel at the same address.

SETTLEMENT CONFERENCE

Whether or not Perfection Manufacturing Company requests a hearing, you may confer informally with the United States Environmental Protection Agency concerning whether the alleged violations in fact occurred as set forth above or the appropriateness of the date of the compliance schedule or proposed penalty. You may request an informal settlement conference at any time by contacting this office. However, any such request will not affect the 30 day time limit for responding

to this Complaint or requesting a formal hearing on the violations alleged herein. The U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. Requests for an informal conference should be made to Ms. Cheryle Micinski, Attorney, Legal Enforcement Staff, Regional Counsel, at the above address, telephone number (816) 374-7142.

Signed this 2 day of February, 1982.


John J. Franke, Jr.
Regional Administrator
U.S. Environmental Protection Agency
Region VII
324 East 11th Street
Kansas City, Missouri 64106

Attachment

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of this Compliance Order were filed with the Regional Hearing Clerk, Environmental Protection Agency, Region VII; and copies sent by certified mail, return receipt requested, to: Mr. Ward A. Buck, Jr., Vice President-Manufacturing, Perfection Manufacturing Company, 5411 Bulwer Avenue, St. Louis, Missouri 63147; and Mr. Ralph L. Hoffman, Registered Agent for Service, 4241 Sarpy, St. Louis, Missouri 63110, on this 5th day of February, 1982.


Karen S. Heavener